

In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.6063/06
Kanhaiya and others Vs. State of Rajasthan

Date Of Order :: 15th November, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. Pankaj Gupta, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioners, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioners that they have falsely been implicated in this matter, they are respected citizens and came in community 'Panchayat' at the request of both the parties and tried to make amicable settlement in between the parties and they never pressurized the complainant to pay Rs.85,000/- to Kishori Lal Meena but when this fact came before the 'Panchayat' that complainant Prahlad Meena took Rs.85,000/- from the house of co-accused Kishore Lal Meena and also committed rape on Pana Bai, daughter of Kishore who was a minor girl of 13 years then both the parties settled their dispute amicably and father of Prahlad returned Rs.85,000/- to Kishore Lal Meena. It is also submitted that neither the accused persons were the beneficiaries nor interested party. It is also submitted that

FIR against Prahlad Meena was also lodged for the offence under section 376 IPC for having committed rape on Pana Bai and he is still in judicial custody. It is also submitted that the accused petitioners never abated Prahlad for attempt to commit suicide. It is also submitted that in the eye of law no offence can be said to have been committed for abatement of abatement for committing suicide. Reliance has been placed on the judgment **Sanju alias Sanjay Singh Sengar Vs. State of M.P.**, reported in **(2002) 5 Supreme Court Cases 371**, **Netai Dutta Vs. State of W.B.**, reported in **(2005) 2 Supreme Court Cases 659** and **Satvir Singh and others Vs. State of Punjab and another**, reported in **(2001) 8 Supreme Court Cases 633**. It is also submitted that Kishori Lal Meena was arrested and released on bail.

Learned Public Prosecutor opposed the bail application and contended that the accused petitioners compelled to pay Rs.85,000/- by using force on Prahlad and his father.

Without making any observation on merits, having considered the rival submissions made at the bar, nature of accusation, material on record, also keeping in view that accused petitioners were neither the beneficiaries nor interested party but they were implicated being the 'Panch' of community Panchayat where the dispute in between the parties was discussed, one FIR against the complainant party was also lodged for having committed rape on Pana Bai, daughter of co-accused Kishore and in that matter it is stated that he is in judicial custody and other facts and circumstances, I deem it proper to grant the benefit of pre-arrest bail to accused petitioners Kanhaiya,

Mool Chand, Sanwarlam, Banshi and Mangla.

In the result, the bail application is allowed and it is directed that in the event of arrest of petitioners Kanhaiya, Mool Chand, Sanwarlam, Banshi and Mangla, they shall be released on bail by the concerned SHO/Investigating Officer in FIR No.157/2006 registered at Police Station Nangal Rajavtan, District Dausa provided each of them furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to his satisfaction on the following conditions :-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer; and
3. that the petitioners shall not leave India without previous permission of the Court.

(J.R. Goyal),J

**VS Shekhawat/-
Jr. P.A.**